

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN CARLOS CALDERON,
Plaintiff,
v.
ROB BONTA, et al.,
Defendants.

No. 2:23-cv-01687-EFB (PC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On August 22, 2023, the court ordered plaintiff to either pay the filing fee or submit an application to proceed in forma pauperis within 30 days. ECF No. 3. The court also warned plaintiff that failure to do so could result in this action being dismissed. *Id.* The time for acting has now passed and plaintiff has not paid the filing fee, submitted an application to proceed in forma pauperis, or otherwise responded to the court's order.

Accordingly, it is hereby ORDERED that the Clerk of the Court randomly assign a United States District Judge to this case.

Further, it is hereby RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
3 objections shall be served and filed within fourteen days after service of the objections. The
4 parties are advised that failure to file objections within the specified time may waive the right to
5 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
6 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

7

8 Dated: October 16, 2023

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE